

CHAPTER 54 REGISTERED NURSING

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5400 GENERAL PROVISIONS

5400.1 This chapter shall apply to applicants for and holders of a license to practice registered nursing.

5400.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §302(14) of the District of Columbia Health Occupations Revision Act of 1985, D.C. Law 6-99, D.C. Code §2-3303.2(14) (1988 Repl. Vol.), 33 DCR 729, 732 (February 7, 1986), and Mayor's Order 86-110, 33 DCR 5220 (August 22, 1986).

SOURCE: Final Rulemaking published at 36 DCR 622 (January 20, 1989).

5401 TERM OF LICENSE

5401.1 Subject to §5401.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of June 30 of each even-numbered year.

5401.2 If the Director changes the renewal system pursuant to §4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

SOURCE: Final Rulemaking published at 35 DCR 622 (January 20, 1989).

5402 EDUCATIONAL REQUIREMENTS

5402.1 Except as otherwise provided in this chapter, an applicant shall furnish proof satisfactory to the Board in accordance with §504(n) of the Act, D.C. Code §2-3305.4(n) (1988), that the applicant has successfully completed a nursing education program leading to licensure as a registered nurse which was approved by the Board or by a nursing board in the United States or U.S. territory with standards determined by the Board to be substantially equivalent to the standards of the District.

5402.2 An applicant for a license by examination shall submit with a completed application a certified transcript of the applicant's educational record to the Board.

SOURCE: Final Rulemaking published at 35 DCR 622 (January 20, 1988); as amended by Final Rulemaking published at 35 DCR 2747, 2751 (May 4, 1990).

5403 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

5403.1 Except as provided in §5403.2, the Board may grant a license by examination to practice registered nursing to an applicant who completed an educational program in a foreign country, which program was not approved in accordance with §5402.1, if the applicant meets the following:

- (a) Meets all the requirements of this chapter except for the educational program approval requirement of §5402.1; and
- (b) Demonstrates to the satisfaction of the Board that the applicant successfully completed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination by submitting a certificate from CGFNS.

5403.2 The Board may grant a license by examination to practice registered nursing to an applicant who completed a basic nursing education program in Canada, which program was not approved in accordance with §5402.1, if the applicants meets the following:

- (a) Meets all the requirements of this chapter except for the educational program approval requirement of §5402.1 and the examination requirements of §5404; and
- (b) Has taken the National League of Nursing State Board Test Pool Examination in Canada between the years 1949 and 1970, and received a minimum score of three hundred and fifty (350) in each of the following areas:
 - (1) Medical Nursing;
 - (2) Surgical Nursing;
 - (3) Nursing of Children;
 - (4) Maternity Nursing; and
 - (5) Psychiatric Nursing.

- 5403.3 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit the translation signed by the translator attesting to its accuracy.

SOURCE: Final Rulemaking published at 35 DCR 622, 623 (January 24, 1988).

5404 EXAMINATION

- 5404.1 To qualify for a license by examination, an applicant shall receive a passing score on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) developed by the National Council of State Boards of Nursing, Inc. (NCSBN).
- 5404.2 An applicant who takes the NCLEX-RN shall submit with a completed application the applicant's examination results, certified by NCLEX-RN or NCSB, to the Board.
- 5404.3 The passing score on the NCLEX-RN shall be the passing score established by the NCSBN.
- 5404.4 The Board may waive the examination requirement of §5404.1 for any applicant who is currently licensed or certified as a registered nurse under the laws of a state or territory of the United States and whose licensure in that state or territory was based upon the following:
- (a) A passing score on a state constructed examination taken prior to 1949;
 - (b) A score of three hundred and fifty (350) on each part of the State Board Test Pool Examination for nurses taken between January 1949 and February 1982; or
 - (c) A passing score on any other examination determined by the Board to be substantially equivalent to the NCLEX-RN.
- 5404.5 An applicant under §5404.4 shall furnish proof of current licensure in good standing.

SOURCE: Final Rulemaking published at 35 DCR 622, 624 (January 20, 1989); as amended by Final Rulemaking published at 36 DCR 2747, 2751 (May 4, 1990).

5405 [RESERVED]

5406 CONTINUING EDUCATION REQUIREMENTS

- 5406.1 Subject to §5406.2, this section shall apply to applicants for the reactivation, or reinstatement of a license for the term expiring June 30, 1992, and for subsequent terms.

- 5406.2 Pursuant to §512 of the Act, D.C. Code §2-3305.12 (1988), this section shall not apply to applicants who have failed to apply for reinstatement of a license within five (5) years after the license expires.
- 5406.3 Continuing education credit may be granted only for programs or activities approved by the Board pursuant to §5406.
- 5406.4 An applicant in inactive status within the meaning of §511 of the Act, D.C. Code §2-3305.11 (1988), who submits an application to reactivate a license shall submit with the application proof of having completed twelve (12) hours of continuing education for each year applicant was in inactive status up to a maximum of twenty-four (24) hours of continuing education. Only continuing education taken in the two (2) years immediately preceding the application date will be accepted. This subsection shall apply to applicants in inactive status after June 30, 1990.
- 5406.5 An applicant for reinstatement of a license shall submit with the application proof of having completed twelve (12) hours of continuing education for each year after June 30, 1990, that the applicant was not licensed, up to a maximum of twenty-four (24) hours of continuing education.
- 5406.6 An applicant under this section shall prove completion of required continuing education by submitting with the application the following information with respect to each continuing education program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.

SOURCE: Final Rulemaking published at 35 DCR 622, 625 (January 20, 1989).

5407 APPROVAL OF CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 5407.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of registered nursing and which meet the other requirements of this section.
- 5407.2 The Board may approve the following types of continuing education programs, if the programs meet the requirements of §5407.3:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;

(c) An educational program given at a conference; or

(d) In-service training.

5407.3 To qualify for approval by the Board, a continuing education program shall meet the following requirements:

(a) Be current in its subject matter;

(b) Be developed and taught by qualified individuals; and

(c) Be administered or approved by a recognized organization in the field of health care or an accredited college or university.

5407.4 The college or university specified in §§5407.2 and 5407.3 shall be accredited by a body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation.

5407.5 The Board may issue and update a list of approved continuing education programs.

5407.5 The Board may approve the following continuing education activities by an applicant:

(a) Serving as an instructor or speaker at an approved continuing education program;

(b) Publishing a book or a chapter in a book, or publication of a book review, article, or abstract in a professional journal or bulletin; or

(c) Serving as a preceptor, as defined by chapter 56 of this title, for students of registered nursing in an approved nursing education program.

5407.7 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section.

SOURCE: Final Rulemaking published at 35 DCR 622, 626 (January 20, 1989).

5408 CONTINUING EDUCATION CREDITS

5408.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

5408.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.

5408.3 The Board may grant continuing education credit to an applicant who serves as an instructor or speaker at an approved program for preparation and presentation time, subject to the following restrictions:

(a) The maximum amount of credit which may be granted for preparation time shall be twice the amount of the associated presentation time;

- (b) If an applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
- (c) The presentation shall have been completed during the period for which credit is claimed.

5408.4 The Board may grant an applicant who is an author or editor of a published book continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed and the applicant submits proof of this fact in the application.

5408.5 The Board may grant an applicant who is the author of a published book review, article, or abstract continuing education credits, subject to the same restriction set forth for books in §5408.4.

SOURCE: Final Rulemaking published at 35 DCR 622, 627 (January 20, 1989).

5409 - 5410 [RESERVED]

5411 SUPERVISED PRACTICE OF REGISTERED NURSING

5411.1 Only the following persons shall be authorized to engage in the supervised practice of registered nursing without a District of Columbia license:

- (a) Students fulfilling education requirements under §103(c) of the Act, D.C. Code §2-3301.3 (1988);
- (b) Applicants who have graduated from a Board approved program under §5402.1 and whose application for a license by examination in the District of Columbia is pending; and
- (c) Foreign graduates who have passed the CGFNS and whose application for a license by examination in the District of Columbia is pending.

5411.2 Only a supervisor shall be authorized to supervise the practice of registered nursing.

5411.3 A student, applicant, or foreign graduate may practice registered nursing only in accordance with the Act and this subtitle.

5411.4 A student, applicant, or foreign graduate who practices pursuant to this section shall only practice at a hospital, nursing home, a health facility operated by the District or federal government, a health education center, or other health care facility considered appropriate by the school or college.

- 5411.5 A student or applicant, or foreign graduate under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5411.6 All supervised practice shall take place under general or immediate supervision.
- 5411.7 A person who has been denied a license or disciplined, or against whom such action is pending, in the District of Columbia or other jurisdiction shall not practice pursuant to this section unless authorized by the Board in writing to do so.
- 5411.8 A student, applicant, or foreign graduate shall identify himself or herself as such before practicing as a registered nurse.
- 5411.9 A supervisor shall be fully responsible for all practice by a student, applicant, or foreign graduate during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this subtitle by the student, applicant or foreign graduate.
- 5411.10 A student, applicant, or foreign graduate shall not receive compensation of any nature, directly or indirectly, from a patient, except for a salary based on hours worked under supervision.
- 5411.11 An applicant under §5411.1(b) or (c) shall take the first licensing examination following graduation from an approved educational program in registered nursing or the first examination following submission of the application for a license in the District of Columbia. The Board may, in its discretion, grant an extension of the time requirement if the applicant's failure to sit for the first examination was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; or
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 5411.12 An applicant under §5411.1(b) or (c) who fails the NCLEX-RN on two (2) consecutive attempts shall not be permitted to practice nursing under this section.
- 5411.13 In accordance with chapter 41 of this title, a student, applicant, or foreign graduate shall be subject to all of the applicable provisions of the Act and this subtitle. The Board may deny an application for a license by, or take other disciplinary action against, a student, applicant, or foreign graduate who is found to have violated the Act or this subtitle.
- 5411.14 If the Board finds that a student, applicant, or foreign graduate has violated the Act or this subtitle, the Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student, applicant, or foreign graduate to practice.
- 5411.15 For purposes of this section, the following terms shall apply:
- (a) "General supervision" means supervision in which the supervisor is available on the premises and within vocal communication either directly or by a communication device at the time the student, applicant, or foreign graduate is practicing;

- (b) "Immediate supervision" means supervision in which the supervisor is with the student, applicant, or foreign graduate and either discussing or observing the student's, applicant's, or foreign graduate's practice; and
- (c) "Supervisor" means a registered nurse or advanced registered nurse licensed under the Act who is responsible for the supervision of a student, applicant or foreign graduate.

SOURCE: Final Rulemaking published at 35 DCR 622, 629 (January 20, 1989).

5412 SCOPE OF PRACTICE

5412.1 For purposes of this section, the "practice of registered nursing" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based upon the principles of the biological, physical, behavioral, and social sciences in the following activities:

- (a) The observation, assessment, and recording of physiological and behavioral signs and symptoms of health, disease, and injury, including the performance of examinations and testing and their evaluation for the purpose of differentiating normal from abnormal;
- (b) The provision of direct and indirect registered nursing services of a therapeutic, preventive, and restorative nature in response to an assessment of the patient's requirements;
- (c) The performance of services, counseling, and education for the safety, comfort, personal hygiene, and protection of patients, the prevention of disease and injury, and the promotion of health in individuals, families, and communities, which may include psychotherapeutic intervention, advocacy, referral, and consultation;
- (d) The administration of nursing services within a health care facility, including the delegation of direct nursing functions and the evaluation of the performance of these functions;
- (e) The education and training of persons in the direct nursing care of patients; and
- (f) The pursuit of nursing research to improve methods of practice.

SOURCE: Final Rulemaking published at 35 DCR 622, 630 (January 20, 1989).

5499 DEFINITIONS

5499.1 As used in this chapter, the following terms have the meanings ascribed:

Applicant - a person applying for a license to practice registered nursing under this chapter.

Board - the Board of Nursing, established by §204 of the Act, D.C. Code §2-3302.4 (1988).

Educational program - a program leading to a diploma, associate degree, or baccalaureate degree in nursing.

Registered nurse - a person licensed to practice registered nursing under this chapter.

